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10/516,797	12/06/2004	Katsunori Yanashima	075834.00397	7316

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EXAMINER

CHEN, BRET P

ART UNIT PAPER NUMBER

1762

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/516,797

Applicant(s)

YANASHIMA ET AL.

Examiner

B. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-2, 5-12 are pending in this application. Amended claims 1-2, canceled claims 3-4, and newly added claims 5-12 are noted.

The amendment dated 12/12/05 has been entered and carefully considered. The examiner appreciates the amendments to the specification and claims. In view of said amendment, the objection to the abstract and the previous art rejection have been withdrawn. In addition, in view of the amendments and the arguments provided on p.9, the obviousness double patenting rejection has been withdrawn.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 7-10, and 12 are rejected under 35 U.S.C. 112, first paragraph,** as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 7, the newly added limitation of depositing the vaporized first organic material to form a dopant organic layer followed by the deposition of the vaporized second organic material to form a host organic layer is deemed new matter as there is no support for this

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limitation in the original specification as filed. The same limitation applies to claims 8-10 and 12.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 7-10 and 12 are rejected under 35 U.S.C. 112, second paragraph,** as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, the newly added limitation of depositing the vaporized first organic material to form a dopant organic layer followed by the deposition of the vaporized second organic material to form a host organic layer is deemed vague and confusing as to how a host material can “host” any thing when it is deposited last. Clarification and appropriate amendments are requested. The same limitation applies to claims 8-10 and 12.

***Claim Rejections - 35 USC § 103***

**Claims 1-2, 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani et al. (5,496,582).** Mizutani discloses a method of producing an electroluminescent device which comprising a luminescent layer located between two electrodes and containing a host material formed on an insulating substrate wherein an organic material is vaporized in a CVD process (col.2 lines 53-67). The process utilizes a carrier gas to introduce the organic material (col.5 lines 14-22). In one embodiment, dopants can be added (col.2 lines 25-38) and multiple layers can be formed (col.4 lines 24-35). It is noted that Mizutani’s use of a carrier gas

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meets the claimed limitation of a first carrier gas stream and a second carrier gas stream as there is no recitation that the two streams have to be different. However, the reference fails to teach depositing an organic layer between an anode and a cathode.

It is noted that Mizutani clearly teaches of depositing a luminescent layer between two electrodes. One skilled in the art knows that electrodes can comprise anodes and cathodes. It would have been obvious to one skilled in the art to utilize an anode and cathode in Mizutani's process with the expectation of obtaining similar results because the teaching of two electrodes is clearly suggestive of an anode and cathode.

The limitations of claims 2 and 5-6 have been addressed above.

In claim 7, the applicant requires forming the dopant layer first. One skilled in the art would know that both materials have to be in the EL device and that both materials have to be deposited on the substrate. The skilled artisan would reasonably expect that depositing one material followed by the other would produce similar results as depositing the other first followed by the one material. Hence, it would have been obvious to deposit the dopant layer first with the expectation of obtaining similar results.

The limitations of claims 8-12 have been addressed above.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 5-12 have been considered but are moot in view of the new ground(s) of rejection.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

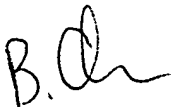
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Chen whose telephone number is (571) 272-1417. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bc  
2/16/06

  
**BRET CHEN**  
**PRIMARY EXAMINER**